

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10CV190**

**DECISION SUPPORT, LLC; and
DAVID WATSON,**

Plaintiffs,

Vs.

**ELECTION SYSTEMS & SOFTWARE,
INC.; and DATACARD CORPORATION,**

Defendants.

ORDER

THIS MATTER is before the court on plaintiffs' Motion to Allow Limited Discovery on New Claims Raised in Amended Complaint. Plaintiffs request that the court postpone trial in this matter an additional five months- two months for additional discovery and three months for additional motions for summary judgment- with a proposed trial date of July 1, 2013.

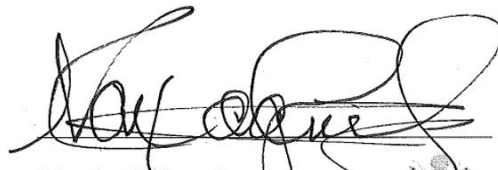
The motion will be denied. According to an email provided to the court from plaintiffs' counsel to defense counsel, plaintiffs have planned on bringing the new unfair competition claims since *at least* April 14, 2012- ample time for discovery and trial preparation. ECF 154-9, October 23, 2012. Furthermore, the similarities between the patent infringement claim and the new unfair competition claims- namely, the true capabilities of defendants' voting technology- obviate any further discovery. The parties will be free to make their motions for summary judgment on the new unfair competition claims at the start of trial

This matter has lingered on the court's docket for well over two years. Were the court to postpone the trial to July, it will have been on the court's docket for over three years before

finally being resolved. At the October 4, 2012 status conference, the parties- well aware of the new unfair competition claims- met and agreed upon a February 4 trial date. That date is drawing near and this matter will proceed as scheduled.

IT IS, THEREFORE, ORDERED that plaintiffs' Motion to Allow Limited discovery on New Claims Raised in Amended Complaint (# 163) is **DENIED**.

Signed: January 15, 2013



Max O. Cogburn Jr.
United States District Judge